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## UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF PENNSYLVANIA

IN RE: EARTH PRIDE ORGANICS, : Chapter 11

:

Debtor

Bky. No. 17-13816 ELF

:

LANCASTER FINE FOODS, INC,

**Debtor** : **JOINTLY ADMINISTERED** 

## ORDER

**AND NOW**, upon consideration of the Debtor's Application for Authority to Employ EisnerAmper LLP ("EA") as Financial Advisor (Doc. # 14) ("the Application"), and the proposed Consent Order entered into by the Debtor and the U.S. Trustee ("the Consent Order) (Doc. # 75), it is **ORDERED** that:

- 1. The Application is **GRANTED IN PART and DENIED IN PART**.
- 2. The Proposed Consent Order is APPROVED IN PART and DISAPPROVED IN PART.
- 3. The Debtors are authorized to employ EA as their financial advisor to provide the services more fully described in the Application.
- 4. The Debtors are authorized to pay EA a postpetition retainer of \$16,000.00.
- Compensation and reimbursement of expenses are to be allowed only by order of this court upon submission of an application for compensation in conformity with the rules of court and In re Busy Beaver Building Centers, Inc., 19 F.3d 833 (3d Cir. 1994); PROVIDED
   HOWEVER, that the Debtors may make payments to EA in the manner provided by and in compliance with L.B.R. 2016-5.

- 6. To the extent that the Application and the Proposed Consent Order provide for payments to EA in a manner that is inconsistent with L.B.R. 2016-5, they are **DISAPPROVED**.<sup>1</sup>
- 7. Without the necessity of a formal motion, the Debtors, EA or the U.S. Trustee may seek reconsideration of this order by filing a request for a hearing and, if such a request is filed, the court will promptly schedule a hearing.

Date: June 22, 2017

ERIC L. FRANK
CHIEF U.S. BANKRUPTCY JUDGE

L.B.R. 2016-5 establishes a monthly "payment on account" system for professionals in a case designated as a complex chapter 11 case. <u>See L.B.R.</u> 1002-2(a). This case has not been so designated. Even so, I agree that the court has the authority to invoke L.B.R. 2016-5 in an appropriate case. <u>See 11 U.S.C.</u> §105(a). I also agree that, based on the initial proceedings in these cases, it is appropriate upon request to permit the professionals to invoke the L.B.R. 2016-5 payment on account procedure. However, no justification has been offered for diverging from the procedures in the local rule.